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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,120	08/08/2003	Toni-Diane Donnet	11372.1	3819
<div>7590      09/10/2007 NEIL K. NYDEGGER NYDEGGER &amp; ASSOCIATES 348 Olive Street San Diego, CA 92103</div>			<div>EXAMINER AHMED, AFFAF</div>	
			<div>ART UNIT 3622</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 09/10/2007</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/637,120

Applicant(s)

DONNET ET AL.

Examiner

Affaf Ahmed

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/30/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Status of Claims

1. This action is in reply to the Application filed on 08/08/2003.
2. Claims 1-20 are currently pending and have been examined.

### Information Disclosure Statement

3. The Information Disclosure Statement filed on 01/30/2004 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

### Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:
  - Reference character "70" has been used to designate 3 different outcomes, Fig 1D.
  - The informal drawings of Figures 1B-1D are not of sufficient quality to permit examination.

Applicant is required to review the drawing and make the necessary corrections. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or

part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### **Claim Rejections-35 USC § 112**

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
7. Claims 1, 3, 4, 10, 16, 17 and 18 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claims 1, 10 and 16 recite the limitation "*transaction terms for the sale of a product*" (lines 6 -7 of claim 1); (lines 5 -7 of claim 10) and (lines 8 -10 of claim 16). It is unclear what applicant referring to by "transaction term". For the purpose of examination "transaction term is interpreted to be "an action that is taken during the process of an ad transaction". An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed (In re Zletz, 13 USPQ2d 1320 (Fed. Cir. 1989)).
9. Claim 1 recites the limitation of "*the additional input*" (line 8). There is insufficient antecedent basis for this limitation in the claim.
10. Claims 1, 10 and 16 recite the limitation of "*the sale of a product*" (line 12 of claim 1), (6 of claim 10), (line 10 of claim 16). There is insufficient antecedent basis for this limitation in the claims.

### **Claim Rejections - 35 USC § 102**

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claim 1, 2, 5-7, 9-14, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Armstrong et al, US Pub No: 2002/0087352 A1.

**Claims 1, 10 and 16:**

Armstrong discloses:

- *Selecting a set-up option (see at least paragraph [0084]);*
- *Providing user-selected input data for the ad, wherein the user-selected input data includes transaction terms for the sale of a product (see at least see at least paragraph [0085]);*
- *Responding to prompts for the additional input of product description data, wherein the prompts are based on the user-selected input data (see at least see at least paragraph [0094]); and*
- *Reviewing ad disclosures and layout guidelines required for the input product description data and the transaction terms, wherein the ad disclosure and layout guidelines are generated in response to a completion of the providing step and the responding step (see at least paragraph [0085] transaction of ad and paragraph [0093] displaying of approved ad template to the user);*
- *Accepting a compliant ad (see at least paragraph [0015]).*

**Claims 2 and 11:**

Armstrong discloses:

- *Making a selection between creating a new ad and editing an existing ad (see at least paragraph [0008] and paragraph [0009]).*

**Claims 5, 12 and 19:**

Armstrong discloses:

- *Editing the compliant ad (see at least paragraph [0009]).*

**Claims 6 and 13:**

Armstrong discloses:

- *Removing discriminatory terms and descriptions; and excising illegal terminology (see at least paragraph [0009]).*

**Claims 7 and 14:**

Armstrong discloses:

- *Publishing the compliant ad* (see at least paragraph [0099]).

**Claim 9:**

Armstrong discloses:

- *The compliant ad is selected from a group consisting of a sample ad, unformatted text, and text with legal disclosure* (see at least paragraph [0046]).

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 3, 4, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong, in view of Pulliam et al, US Pat No: 6,609,108 B1.

**Claims 3,4,17 and 18:**

Armstrong discloses the limitations shown above.

Armstrong discloses:

- *The user-selected data comprises as ad layout* (see at least paragraph [0008]);
- *Terms of sale* (see at least paragraph [0096]);
- *An expiration date of an offer to sell* (see at least paragraph [0097]).

Armstrong, does not specifically disclose, but Pulliam, however, does disclose:

- *A condition of the product being sold* (see at least column 18, lines 56-63);
- *The product is an automobile and the product description data comprises year of manufacture, manufacturer, product model (if applicable), optional equipment and upgrades (if applicable), quantity available, and inventory/stock number* (see at least column 18, lines 25-28 and lines 56-63).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Pulliam's method of online ordering of consumer products having a specific

configuration with Armstrong's method of creating online compliance advertisements with the motivation of providing the customer with ads containing legal compliance information for an automobile template ad that describes the condition of the car, mileage, vehicle information number, maker, year, model and any available discounts to target online automobile shoppers (see Armstrong's in at least paragraph [0008]).

15. Claim 8, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong in view of **Official Notice**.

**Claims 8, 15 and 20:**

Armstrong discloses the limitations as shown above.

Armstrong, does not specifically disclose:

- *Color-coding the compliant ad to denote new ads, modified ads, and unchanged ads.*

However, Armstrong in at least paragraph [0091] does disclose selection of a fresh ad template, a saved ad template or an ad topic with an ad template correlated to the user.

Furthermore, the examiner takes **Official Notice** that is old and well known in computer arts that color-coding is used to indicate changes in advertisements.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Armstrong's selection of different ads templates with color-coding the ads to the user with the motivation of enabling users to review and easily distinguish which ads are new, modified and unchanged (see at least Armstrong, paragraph [0009]).

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### Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Monceriff et al., US Pat No: 5,828,839. Teaches computer network chat room based on channel broadcast.
- Jinnett et al., US Pub No: 2002/0120477 A1. Teaches system and method for supporting legally compliant automated regulated services and/or products in connection with multi jurisdictional transactions.
- Ly et al., US Pat No: 7,216,094 B2. Teaches Web vehicle ordering system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Affaf Ahmed whose telephone number is 571-270-1835. The examiner can normally be reached on Monday- Friday 7:30 AM- 5:00 PM EST, ALT Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.


For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Name : Affaf Ahmed

Title : Patent Examiner

Date : 8/20/2007

Signature:

  
RETTA YEHEDEGA  
PRIMARY EXAMINER